

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Priya Saxena,)	
)	
Plaintiff,)	
)	
v.)	Civ. 5:25-cv-5035
)	
Kristi Noem, in her official capacity as	(
Secretary of Homeland Security;)	
the Department of Homeland Security;)	
and Todd Lyons, in his official capacity)	
as Acting Director of U.S. Immigration)	
and Customs Enforcement,)	
)	
Defendants.)	
_____)	

Memorandum in Support of
Motion for Permanent Injunction

D.S.D. Civ. LR 65.1 provides: “In all cases wherein a party seeks both a preliminary and permanent injunction, the matters will be deemed consolidated for trial unless otherwise specifically ordered by the court.”

Plaintiff sought both a preliminary and permanent injunction. Doc. 1. The preliminary injunction hearing was held May 13. On May 15 the court issued a preliminary injunction. Doc. 39. The court did not order that the preliminary and

permanent injunction hearing not be consolidated. Under LR 65.1, the preliminary injunction hearing also constitutes the permanent injunction hearing. *United States v. 2035, Inc.*, 2015 U.S. Dist. Lexis 195875 * 2-3 (D.S.D.) (hearing on preliminary injunction also constitutes hearing on permanent injunction); *Dreaming Bear v. Fleming*, 2010 U.S. Dist. Lexis 55777 * 2 n.1, 2010 WL 2247951 (same).

“The standard for determining whether a permanent injunction should issue is essentially the same as the familiar standard for a preliminary injunction.” *Randolph v. Rodgers*, 170 F.3d 850, 857 (8th Cir. 1999). The only difference is that for a permanent injunction, “the movant must show actual success on the merits.” *Id.*, quoting *Amoco Prods. Co. v. Village of Gambell*, 480 U.S. 531, 546 n.12 (1987).

For all the reasons set forth in Doc. 39 at 8-16, Dr. Saxena has shown actual success on the merits. For all the reasons set forth in Doc. 39 at 16-21, she satisfies the other factors. So she is entitled to a permanent injunction. The same relief granted in Doc. 39 at 21-22 is appropriate permanently.

Dated: May 15, 2025

Respectfully submitted,

/s/ James D. Leach

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Certificate of Service

I certify that on May 15, 2025, I filed this document using CM/ECF, thereby causing automatic electronic service to be made on counsel for defendants.

/s/ James D. Leach
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